



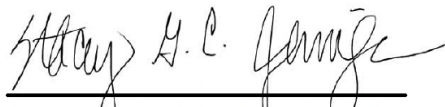
CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed June 27, 2022

  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL	§	
MANAGEMENT, L.P.,	§	Case No. 19-34054-sgj11
	§	
Reorganized Debtor.	§	
	§	
<hr/>		
MARC S. KIRSCHNER,	§	
AS LITIGATION TRUSTEE	§	
OF THE LITIGATION SUB-TRUST,	§	
	§	Adversary Proceeding
Plaintiff,	§	No. 21-03076-sgj
v.	§	
	§	
JAMES D. DONDERO, et al.,	§	
	§	
Defendants.	§	

**ORDER APPROVING JOINT STIPULATION OF DISMISSAL  
OF CROSS-CLAIMS WITH PREJUDICE**

The Court, having considered the Joint Stipulation of Dismissal of Cross-Claims with Prejudice [Adv. Docket No. 163] (the “**Joint Stipulation of Dismissal**”), a copy of which is attached hereto as Exhibit A, filed by Defendants Hunter Mountain Investment Trust (“**HMIT**”)

Order Approving Joint Stipulation of Dismissal  
of Cross-Claims with Prejudice

Page 1 of 3

and Rand PE Fund I, LP, Series 1 (“**Rand**” and together with HMIT, the “**HMIT Defendants**” and/or “**Cross-Plaintiffs**”), and Defendants: (a) Dugaboy Investment Trust; (b) Mark & Pamela Okada Family Trust - Exempt Trust #1; (c) Mark & Pamela Okada Family Trust - Exempt Trust #2; and (d) Mark K. Okada (Defendants (a) - (d), collectively, the “**Prior Class A Holders**” and/or “**Cross-Defendants**”), IT IS HEREBY ORDERED THAT:

1. The Joint Stipulation of Dismissal is APPROVED.
2. The HMIT Defendants/Cross-Plaintiffs’ cross-claims against the Prior Class A Holders/Cross-Defendants are hereby dismissed with prejudice to the refiling of same.

**###End of Order###**

Submitted by:

/s/ E. P. Keiffer  
E. P. Keiffer  
State Bar No. 11181700  
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**ATTORNEYS FOR DEFENDANTS  
HUNTER MOUNTAIN INVESTMENT  
TRUST AND RAND PE FUND I, LP, SERIES 1**

With the agreement of:

/s/ Amy L. Ruhland  
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**ATTORNEYS FOR DEFENDANT**

**Order Approving Joint Stipulation of Dismissal  
of Cross-Claims with Prejudice**

**DUGABOY INVESTMENT TRUST**

AND

/s/ Brian D. Glueckstein

Brian D. Glueckstein (admitted pro hac vice)

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**ATTORNEYS FOR DEFENDANTS**

**MARK K. OKADA, THE MARK & PAMELA**

**OKADA FAMILY TRUST – EXEMPT TRUST #1,**

**AND THE MARK & PAMELA OKADA**

**FAMILY TRUST – EXEMPT TRUST #2**

E. P. Keiffer  
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## Exhibit "A"

COUNSEL FOR DEFENDANTS,  
HUNTER MOUNTAIN INVESTMENT  
TRUST AND RAND PE FUND I, LP, SERIES 1

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>In re:</b>	§	
	§	<b>Chapter 11</b>
<b>HIGHLAND CAPITAL</b>	§	
<b>MANAGEMENT, L.P.,</b>	§	<b>Case No. 19-34054-sgj11</b>
	§	
<b>Reorganized Debtor.</b>	§	
<hr/>		
<b>MARC S. KIRSCHNER,</b>	§	
<b>AS LITIGATION TRUSTEE</b>	§	
<b>OF THE LITIGATION SUB-TRUST,</b>	§	
	§	<b>Adversary Proceeding</b>
<b>Plaintiff,</b>	§	<b>No. 21-03076-sgj</b>
<b>v.</b>	§	
	§	
<b>JAMES D. DONDERO, et al.,</b>	§	
	§	
<b>Defendants.</b>	§	

**JOINT STIPULATION OF DISMISSAL OF CROSS-CLAIMS WITH PREJUDICE**

Defendants Hunter Mountain Investment Trust (“HMIT”) and Rand PE Fund I, LP, Series 1 (“**Rand**” and together with HMIT, the “**HMIT Defendants**” and/or “**Cross-Plaintiffs**”), and Defendants: (a) Dugaboy Investment Trust; (b) Mark & Pamela Okada Family Trust – Exempt Trust #1; (c) Mark & Pamela Okada Family Trust – Exempt Trust #2; and (d) Mark K. Okada (Defendants (a) – (d), collectively, the “**Prior Class A Holders**” and/or “**Cross-Defendants**”), enter into this *Joint Stipulation of Dismissal of Cross-Claims With Prejudice*

pursuant to F.R.B.P. Rule 7041 (the “**Joint Stipulation of Dismissal**”) regarding the HMIT Defendants/Cross-Plaintiffs’ cross-claims against the Prior Class A Holders/Cross-Defendants.

**Recitals**

*Whereas*, on October 15, 2021, Marc S. Kirschner, as Litigation Trustee of the Litigation Sub-Trust, commenced this adversary proceeding by filing his *Complaint and Objection to Claims* [Docket No. 1] against James D. Dondero, et al.

Whereas, on March 23, 2022, the HMIT Defendants filed *Defendants Hunter Mountain Investment Trust and Rand PE Fund I, LP, Series 1’s: (i) Answer to Plaintiff’s Complaint and Objection to Claims; and (ii) Cross-Claims Against Class A Limited Partners of HCMLP* [Docket No. 124].

*Whereas*, on April 6, 2022, the HMIT Defendants and the Class A Limited Partners filed their *Stipulation Extending Prior Class A Holders’ Deadline to Respond to HMIT Defendants’ Cross-Claims* [Docket No. 152] which extended the Class A Holders/Cross-Defendants deadline to respond to the HMIT Defendants/Cross-Plaintiffs’ cross-claims through and including June 12, 2022.

*Whereas*, on or about the June 21, 2022, the HMIT Defendants/Cross-Plaintiffs’ and the Class A Holders/Cross-Defendants have entered into a Confidential Settlement and Release Agreement thereby resolving the HMIT Defendants/Cross-Plaintiffs’ cross-claims against the Class A Holders/Cross-Defendants.

*Whereas*, the HMIT Defendants/Cross-Plaintiffs’ and the Class A Holders/Cross Defendants acknowledge that this Joint Stipulation of Dismissal meets all of the requirements of F.R.B.P. Rule 7041 and case law construing the requirements for a dismissal with prejudice of the HMIT Defendants/Cross-Plaintiffs’ cross-claims against the Class A Holders/Cross Defendants.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Joint Stipulation of Dismissal by the Court, it shall be SO ORDERED:

1. The HMIT Defendants/Cross-Plaintiffs' cross-claims against the Prior Class A Holders/Cross-Defendants are hereby dismissed with prejudice to the refiling of same.

Dated: June 22, 2022

/s/ E. P. Keiffer  
E. P. Keiffer  
State Bar No. 11181700  
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**ATTORNEYS FOR DEFENDANTS  
HUNTER MOUNTAIN INVESTMENT  
TRUST AND RAND PE FUND I, LP,  
SERIES 1**

With the agreement of:

/s/ Amy L. Ruhland  
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**ATTORNEYS FOR DEFENDANT  
DUGABOY INVESTMENT TRUST**

AND

/s/ Brian D. Glueckstein

Brian D. Glueckstein (admitted pro hac vice)

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Dallas, Texas 75225

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**ATTORNEYS FOR DEFENDANTS MARK  
K. OKADA, THE MARK & PAMELA  
OKADA FAMILY TRUST – EXEMPT  
TRUST #1, AND THE MARK & PAMELA  
OKADA FAMILY TRUST – EXEMPT  
TRUST #2**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Stipulation of Dismissal was served electronically on all necessary parties pursuant to this Court's CM/ECF system on the 22nd day of June, 2022.

/s/ E. P. Keiffer

E. P. Keiffer

United States Bankruptcy Court  
Northern District of Texas

Kirschner,  
Plaintiff  
Dondero,  
Defendant

Adv. Proc. No. 21-03076-sgj

## CERTIFICATE OF NOTICE

District/off: 0539-3  
Date Rcvd: Jun 27, 2022

User: admin  
Form ID: pdf001

Page 1 of 3  
Total Noticed: 6

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 29, 2022:**

Recip ID	Recipient Name and Address
aty	+ Jeremy A. Root, Stinson LLP, 230 W. McCarty Street, Jefferson City, MO 65101-1553
dft	+ CPCM, LLC, c/o Ross & Smith, PC, Attn: Frances A. Smith, 700 N. Pearl Street, Suite 1610 Dallas, TX 75201-7459
dft	+ Highland Capital Management Fund Advisors, L.P., K&LGates LLP, c/o Stephen G. Topetzes, 1600 K Street, NW, Washington, DC 20006-2806
dft	+ Hunter Mountain Investment Trust, c/o E. P. Keiffer, Rochelle McCullough, LLP, 325 North St. Paul St., Suite 4500, Dallas, TX 75201-3827

TOTAL: 4

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	Jun 27 2022 21:38:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996
ust	+ Email/Text: ustpreion07.au.ecf@usdoj.gov	Jun 27 2022 21:38:00	United States Trustee - AU12, United States Trustee, 903 San Jacinto Blvd, Suite 230, Austin, TX 78701-2450

TOTAL: 2

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
crc	*+	Hunter Mountain Investment Trust, c/o E. P. Keiffer, Rochelle McCullough, LLP, 325 North St. Paul St., Suite 4500, Dallas, TX 75201-3827

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

**I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 29, 2022

Signature: /s/Gustava Winters



District/off: 0539-3  
Date Rcvd: Jun 27, 2022

User: admin  
Form ID: pdf001

Page 2 of 3  
Total Noticed: 6

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 27, 2022 at the address(es) listed below:

Name	Email Address
Brian D. Glueckstein	on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 gluecksteinb@sullcrom.com
Brian D. Glueckstein	on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #2 gluecksteinb@sullcrom.com
Brian D. Glueckstein	on behalf of Defendant Mark Okada gluecksteinb@sullcrom.com
Cortney C. Thomas	on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 cort@brownfoxlaw.com korourke@brownfoxlaw.com
Cortney C. Thomas	on behalf of Defendant Mark Okada cort@brownfoxlaw.com korourke@brownfoxlaw.com
Cortney C. Thomas	on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #2 cort@brownfoxlaw.com korourke@brownfoxlaw.com
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Deborah Rose Deitsch-Perez	on behalf of Defendant NexPoint Advisors L.P. deborah.deitschperez@stinson.com, patricia.tomasky@stinson.com;kinga.mccoy@stinson.com
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Debra A Dandeneau	on behalf of Defendant Isaac Leventon debra.dandeneau@bakermckenzie.com blaire.cahn@bakermckenzie.com
Debra A Dandeneau	on behalf of Defendant Scott Ellington debra.dandeneau@bakermckenzie.com blaire.cahn@bakermckenzie.com
Debra A Dandeneau	on behalf of Defendant Frank Waterhouse debra.dandeneau@bakermckenzie.com blaire.cahn@bakermckenzie.com
Edwin Paul Keiffer	on behalf of Cross-Claimant RAND PE FUND I LP, SERIES 1 pkeiffer@romclaw.com, bwallace@romclaw.com
Edwin Paul Keiffer	on behalf of Defendant RAND PE FUND I LP, SERIES 1 pkeiffer@romclaw.com, bwallace@romclaw.com
Edwin Paul Keiffer	on behalf of Defendant Hunter Mountain Investment Trust pkeiffer@romclaw.com bwallace@romclaw.com
Edwin Paul Keiffer	on behalf of Cross-Claimant Hunter Mountain Investment Trust pkeiffer@romclaw.com bwallace@romclaw.com
Jason Michael Hopkins	on behalf of Defendant James D. Dondero jason.hopkins@dlapiper.com jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
Jason Michael Hopkins	on behalf of Defendant DUGABOY INVESTMENT TRUST AND NANCY DONDERO AS TRUSTEE OF DUGABOY INVESTMENT TRUST jason.hopkins@dlapiper.com, jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
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Jason Michael Hopkins	on behalf of Defendant STRAND ADVISORS INC jason.hopkins@dlapiper.com, jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
John J. Kane	on behalf of Defendant Grant James Scott III jkane@krcl.com ecf@krcl.com;jkane@ecf.courtdrive.com

District/off: 0539-3  
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User: admin  
Form ID: pdf001

Page 3 of 3  
Total Noticed: 6

Juliana Hoffman	on behalf of Plaintiff Marc Kirschner jhoffman@sidley.com txefilingnotice@sidley.com;julianna-hoffman-8287@ecf.pacerpro.com
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Margaret Michelle Hartmann	on behalf of Defendant Scott Ellington michelle.hartmann@bakermckenzie.com
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TOTAL: 34